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THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS

*noted
cfr 4/3/05*

Appellant: Robert James TRIBE et al.)
Serial No: 09/920,728)
Filed: August 3, 2001)
For: SYRINGE PUMPS) Appeal No.
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REPLY BRIEF TO EXAMINER'S ANSWER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply to the points newly raised by the examiner in her Answer dated January 26, 2005.

Relying on column 5, lines 33-65 and column 6, lines 7-17 of Moberg, the examiner argues that the "occlusion detector (force sensor) does not work by itself, and works in conjunction with a combination of hardware and software such as a control unit or encoder or motor similar to applicants (col. 5, lines 32-49) when there is a problem with the pump mechanism. ... Thus, the combination of hardware and software disclosed inherently acts has a force sensor as it senses an undesired force in the pump mechanism."

In In re Robertson and Scripps, the CAFC states the following:

Anticipation under 35 U.S.C. 102(e) requires that "each and every